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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,394	06/05/2000	Raoul Florent	PHF 99,548	8430

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EXAMINER

PATEL, SHEFALI D

ART UNIT PAPER NUMBER

2621

DATE MAILED: 03/11/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,394

Applicant(s)

FLORENT, RAOUL

Examiner

Shefali D Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 05, 2004 has been entered.

Response to Amendment

2. The amendment was received on February 05, 2004.
3. The substitution of the specification have been received and entered. However, there is a minor new objection to the specification. See the objection below.
4. The rejection of claims 18-20 and 26-29 under U.S.C. 112 has been withdrawn upon deletion of the terms "Filiation Front Marching technique," "local events," and "global events." However, there is a new 112 2nd paragraph rejection regarding claims 18-25 and 29. See the rejection below.
5. By including essential elements to claims 21-23 and 27, the rejection of U.S.C. 112 has been withdrawn. Likewise, objection to the claims 24 and 25 have been withdrawn as well.

Response to Arguments

6. Applicant's arguments, see remarks (pages 14-15), filed on February 05, 2004, with respect to the rejection(s) of claim(s) 16 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ito.

Specification

7. The disclosure is objected to because of the following informalities: On page 14 of the new marked version of specification submitted on February 05, 2004 line 24 includes the word "employ" at the end of the sentence which is not necessary. Please delete this extra word.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 18-25 and 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The terms "law of location", "city block distance", and "law of filiation" in claim 29, "law of location" in claims 18-19, "law of filiation" in claim 20, "city block distance law" in claim 21 are indefinite. The terms are indefinite because the specification does not clearly redefine the term. These terms from the claim are ambiguous.

Also, note that claim 29 uses the term "father" to represent first point and "child" to represent second point. This is clear in the beginning of the claim. However, in the last

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paragraph of claim 29, applicant claims that "...said determined second point (child) becomes a possible further first point (father) of the front...". This is unclear since the original first point was referred to as a father, how could a second point possibly become a father? It is unclear from the claim whether the father is the first point or the second point.

11. Claims 22-27 are rejected for the same reasons as claims 20 and 21.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 16-17 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (US 5,067,166).

With regard to **claim 16** Ito discloses an image processing method of extracting points of a path following a threadlike structure in an image formed by a grid of potential points (Figure 6 and it's respective portion in the specification), the image processing method comprising: marching a front of points forward starting at a predetermined start point (i.e., ROOT in Fig. 2) until a predetermined end point (the tree structure is being formed as seen in See, col. 6 line 56 to col. 7 lines 1-42) of the grid is reached to thereby identify at least one track formed by succeeding points denoted fathers (i.e., point 'a') and corresponding children (i.e., point 'i') of the threadlike structure (Figures 2 and 10) (identifying at least one track 'abcd', 'afhik', etc. using the procedure P at col. 7 line 50; and back propagating the front along a first track (See, col. 8 lines 30-32) starting at the end point (point 'k') through the children (point 'i') and the

fathers (point 'a') of the first track until the start point is reached whereby the points of the path following the threadlike structure in the image are extracted (See, col. 8 lines 67-68 to col. 9 lines 1-13).

Claim 28 recites identical features as claim 1 except claim 28 is a system claim. Thus, arguments similar to that presented above for claim 1 is equally applicable to claim 28.

Applicant's attention is further invited to Figure 1 of Ito's for a system.

With regard to **claim 17** Ito discloses conditionally selecting a first child of the grid to succeed a first father of the grid to form the first track (Ito obtain a first track by selecting a first child (i.e., 'i') after selecting a first father (i.e., 'a'). See, procedures P1 to P7 conditionally executing in Figure 7 and it's respective portion in the specification).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,666,469.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D Patel whose telephone number is 703-306-4182. The examiner can normally be reached on M-F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL MARIANI
PRIMARY EXAMINER

March 3, 2004

Shefali D Patel
Examiner
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